

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

Claims 2, 3 and 9 are currently being cancelled.

Claims 1, 4-8 and 10 are currently being amended.

No claims are currently being added.

This amendment and reply amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and canceling the claims as set forth above, claims 1, 4-8 and 10 are now pending in this application.

**Second Request for Approval of Formal Drawings Submitted With Patent Appl.:**

Applicant again requests explicit approval by the PTO of the formal drawings submitted with the patent application on September 26, 2003.

**Objection to the Specification:**

In the Office Action, the specification was objected to because of informalities on page 8 of the specification. With respect to the sentence on lines 4-8 of page 8 of the specification, that sentence has been amended to improve its readability. With respect to the objection to page 8, line 14 of the specification, the word "stet" could not be found on that line (or anywhere near that line in the specification). Accordingly, clarification is respectfully requested concerning the second specification objection made in the Office Action.

**Claim Rejections – 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph:**

In the Office Action, claim 10 was rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph, as being indefinite, for the reasons set forth on page 3 of the Office Action. In reply, please note that claim 10 depends from claim 5, which in turn depends from claim 1, whereby the "electric power converter" and "rise-up condition recited in claim 10 have proper antecedent

basis in either claim 1 or claim 5. With respect to “the detected power level of the fuel cell stack”, that feature has been amended to “a detected power level of the fuel cell stack”. Therefore, presently pending claim 10 fully conforms to 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph.

**Claim Rejections – Prior Art:**

In the Office Action, claims 1-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,580,977 to Ding et al. This rejection is traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

In essence, the Office Action asserts that since Ding enables to switch between power supply from a second battery and that from a fuel cell, depending on the charge state of the second battery, the device of Ding is similar to that of the present invention.

However, the purpose of the present invention is to “smoothly” switch between power supply from a second battery and that from a fuel cell during a start-up operation (see the “SUMMARY OF THE INVENTION” section of the specification). To achieve this purpose, the controller of the present invention, which includes a table of voltage-current characteristics of a fuel cell during start-up, controls an electric power converter under a second control mode that interrupts the reduction of an electric power level when one of the following conditions is satisfied: (1) an output electric current of the fuel cell increases beyond a threshold electric current value in the table; and (2) an output voltage of the fuel cell drops below a threshold output voltage value in the table.

It is clear that Ding does not disclose, teach or suggest the above-recited features of presently pending independent claim 1.

Accordingly, presently pending independent claim 1, as well as presently pending independent claims 6 and 7 which have been amended in a similar manner, are patentable over Ding.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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